

inventors that the MCP would be available from sources other than human sources. The specification also reports the procedure for the successful isolation and purification of the MCP, including actual experimental examples. Applicants respectfully contend that nothing in the present record rebuts the teaching in the present specification that corresponding procedures could be used to isolate and purify the MCP from the other sources.

It can be seen that the present inventors both (a) identified the alternate sources specifically and (b) provided clear and direct teachings as to the procurement of the desired materials. Thus, there can be no question that the inventors both fully contemplated the invention of the claims in question and knew how to obtain it. The specification therefore should be considered to provide a constructive reduction to practice of the invention of claims 21-25 and satisfy the written description requirement.

The pending claims have been rejected for obviousness double patenting over SN 07/686,264. Applicants note that this application now has issued as US Patent No. 6,090,795. Applicants will submit an appropriate Terminal Disclaimer upon receiving an indication that all other issues in the present application have been resolved.

Applicants further note that the February 15, 2000 Office Action was mailed to Gerald Murphy of Birch, Stewart, Kolasch and Birch. However, a revocation of the power of attorney to the Birch Stewart firm and appointment of attorney in favor of Merchant & Gould was submitted in June of 1997. A copy of the relevant postcard, stamped to acknowledge receipt by the PTO, accompanies this Response. In addition, the previous Amendment in this application pointed out the earlier appointment of new attorneys. The mailing of the Office Action to a firm that had not been involved with the application for several years resulted in significant delays in the handling of the Office Action. As such, Applicants respectfully request

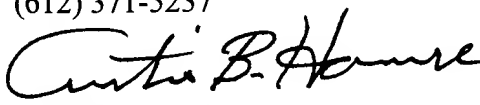
that the Office Action be remailed, and a new time period for response set. Alternatively, Applicants respectfully request that the extension fee for this paper be refunded to Deposit Account 13-2725, and that, if the application is not considered allowable, any further action be made non-final.

Applicants note that a further change of address is filed herewith.

Respectfully submitted,

MERCHANT & GOULD P.C.
3100 Norwest Center
90 South 7th Street
Minneapolis, Minnesota 55402
(612) 371-5237

Dated: August 15, 2000 By: _____



Curtis B. Hamre
Reg. No. 29,165
CBH